

AMENDED IN SENATE APRIL 13, 2000

**SENATE BILL**

**No. 2096**

**Introduced by Senator Poochigian**

February 25, 2000

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An act to amend Section 8961.7 of the Health and Safety Code, relating to cemetery districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2096, as amended, Poochigian. Cemetery districts.

Existing law authorizes a cemetery district formed prior to 1947 to acquire a mausoleum if the mausoleum was constructed at least 10 years prior to May 1, 1947.

This bill would create an exception authorizing the Visalia *Public* Cemetery District to acquire a mausoleum that was *originally* constructed by the City of Visalia in ~~1967~~ 1965, if the cemetery district complies with specified criteria.

*This bill would make legislative findings and declarations as to the necessity for a special statute.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8961.7 of the Health and Safety  
2 Code is amended to read:

1 8961.7. (a) A district formed prior to the adoption of  
2 this section may acquire, and maintain a mausoleum if  
3 construction thereof was completed at least 10 years prior  
4 to May 1, 1947. However, the district may construct  
5 additions to the mausoleum for crypt entombment.

6 (b) Notwithstanding the provisions of subdivision (a),  
7 the Visalia Public Cemetery District may acquire and  
8 manage the mausoleum *originally* constructed by the  
9 City of Visalia in ~~1967~~ 1965. However, the Visalia Public  
10 Cemetery District shall comply with all other applicable  
11 provisions with respect to the operation and maintenance  
12 of the mausoleum.

13 SEC. 2. *The Legislature finds and declares that a*  
14 *special law is necessary and that a general law cannot be*  
15 *made applicable within the meaning of Section 16 of*  
16 *Article IV of the California Constitution because of the*  
17 *unique circumstances of the City of Visalia and the Visalia*  
18 *Public Cemetery District. The facts constituting the*  
19 *special circumstances are:*

20 *The City of Visalia desires to divest itself of the*  
21 *ownership of a mausoleum and the Visalia Public*  
22 *Cemetery District is willing to acquire and manage that*  
23 *mausoleum. Current law prevents the district from*  
24 *acquiring the mausoleum because it was originally built*  
25 *after the statutory deadline. There is no other private*  
26 *organization or public agency available to manage the*  
27 *city's mausoleum. Accordingly, the Legislature finds that*  
28 *special circumstances exist that require special*  
29 *legislation.*

30 SEC. 3. This act is an urgency statute necessary for  
31 the immediate preservation of the public peace, health,  
32 or safety within the meaning of Article IV of the  
33 Constitution and shall go into immediate effect. The facts  
34 constituting the necessity are:

35 In order to ensure the cemetery's mausoleum's  
36 uninterrupted maintenance and care by the Visalia  
37 Public Cemetery District, it is necessary that this act take  
38 effect immediately.

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